

Oregon

May 28, 1993

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DEPARTMENT OF
ENVIRONMENTAL
QUALITY

Ms. Claudia Powers
Ater, Wynne, Dodson, and Skerritt
Suite 1800
222 SW Columbia
Portland, Oregon 97201-6618

ATE WYNNE
DODSON & SKERRITT

Re: Doane Lake Study

Dear Claudia:

The Department has terminated the Order on Consent, DEQ No. ECSR-NWR-89-13, with the Doane Lake Industrial Group. Administratively, the project will be closed-out on May 31, 1993. A Certificate of Completion will not be issued, as DEQ still believes the Scope of Work objectives were not fully satisfied by the hydrogeologic investigation conducted from June through December 1990.

The results of the Doane Lake hydrogeologic investigation, as well as, DEQ concerns and comments have been forwarded to EPA. EPA may pursue additional studies in the Doane Lake area as necessary to support the remedial actions being conducted at the NL/Gould NPL site.

DEQ objectives for the Doane Lake are to identify potential sources of contaminants and actively pursue remediation of those sources that pose a risk to human health and the environment. Our approach will be to focus our resources on investigating and remediating individual sites in the Doane Lake area through the site discovery, site assessment, and site investigation processes.

Please feel free to call me at 229-5080 if you have any questions regarding this matter.

Sincerely,



Thomas Miller
Manager,
Site Response Section

cc: Judy Hatton, DEQ
Chip Humphrey, EPA



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Portland, OR 97204-139
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The DLIG has maintained for some time that an area-wide ground water study was premature until ground water and potential remedial measures are evaluated at the site and the first phases (such as battery casing fill removal) have been completed. After having insisted on the study prior to any work at the site, it is inconsistent for DEQ to assert that our study should "more accurately reflect actual conditions at the site such as the proposed removal of the battery casing fill material and contaminated soils at the Gould Site" Inconsistencies of this nature lead us to question the extent of DEQ's present understanding of the objectives of the study as agreed upon over a year and more than \$560,000.00 ago.

Our position is clear and straightforward. The NL/Gould superfund site -- including all remedial investigations and feasibility studies in connection with it -- is the responsibility of NL Industries and Gould Inc., the parties who created the contamination. Those responsible parties have the obligation to design the remedial action for the ground water unit in order to clean up their contamination. If additional hydrogeologic studies are necessary to develop that design, those responsible parties should do that additional work. If NL Industries believes that the work done by the DLIG is inadequate, then NL Industries has the burden of demonstrating those inadequacies through its own efforts.

DLIG members, other than NL Industries, submit that they have fully completed the mission agreed to in the Order on Consent, DEQ No. ECSR-NWR-89-13 ("Order"). That mission is set out in carefully planned and approved objectives in the scope of work and the work plan prepared pursuant to the Order. NL Industries disagrees, obviously, because it recognizes that it loses potential contributors if the underlying conclusion of the DLIG study is valid. Nothing, however, prohibits NL Industries from conducting its own studies or supplemental investigations. If those studies should prove that other DLIG members have some liability for NL Industries's remedial action costs, NL Industries has a remedy.

In the interests of coming to closure on this project and securing DEQ's approval of the extensive work done by the DLIG's consultant, we have asked our consultant to answer the questions you raised in your May 2 letter. Those answers are enclosed.

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Please note that Geraghty & Miller's conclusion is the same as DLIG's -- that the additional information requested is solely in the nature of consulting work for the NL/Gould property itself and inappropriate in the context of the work, approved by the agencies, which Geraghty & Miller was requested to perform.

The submission of our final report and this letter responding fully to your May 2, 1991 letter completes our obligations set out in the Order. Thank you for your courtesy and oversight on the project, and for your attention to Geraghty & Miller's enclosed work.

Very truly yours,



Claudia K. Powers
DLIG Steering Committee Chair

cc: DLIG Members

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